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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,701	10/16/2001	Nobuhiro Ikeda	35.C15877	3756
5514	7590	07/07/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SWERDLOW, DANIEL	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/977,701

Applicant(s)

IKEDA, NOBUHIRO

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7, 8 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 13-15 and 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 7, 8, 13 through 15 and 20 through 23 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are to a system in which a management device receives data for identifying itself from a communication control device. This is distinct from the originally claimed invention, in which a management device receives data for identifying itself from a management center and/or data identifying a communication control device from a communication control device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7, 8, 13 through 15 and 20 through 23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 through 5, 16, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobson, Jr. (US Patent 6,424,660).

4. Regarding Claim 1, Jacobson discloses a reception device (Fig. 1, reference 110, 112, 114, 116, 118; Fig. 2, reference 200) and system controller arrangement (Fig. 1, reference 120; Fig. 3, reference 300) that corresponds to the management device claimed and comprises: transmit logic (Fig. 3, reference 306) that corresponds to the wireless communications means claimed and communicates wirelessly with component devices that inherently include wireless interfaces that correspond to the communications control device claimed (column 5, lines 20-24, 31-36); receiver identifier storage (Fig. 2, reference 206) that corresponds to the memory means claimed and stores a receiver identifier that identifies the reception device and corresponds to the identification data claimed; an IR receiver (Fig. 2, reference 202) that corresponds to the reception means claimed and receives data from a remote control device (220) that corresponds to the management center claimed via an IR signal that corresponds to the communication network claimed; and identifier control logic (Fig. 2, reference 208) that corresponds to the registration means claimed and allows receiver identifiers that correspond to the identifying data claimed and received by the IR receiver (Fig. 2, reference 202) that corresponds to the reception means claimed to be stored (i.e., registered) in the receiver identifier storage (Fig. 2, reference 206) that corresponds to the memory means claimed (column 4, lines 25-32).

5. Regarding Claim 2, Jacobson further discloses component devices (column 2, lines 49-65) that correspond to the peripheral device claimed and are controlled (i.e., managed) by communication from the transmit logic (Fig. 3, reference 306) that corresponds to the wireless

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communications means to the wireless interfaces of the component devices that correspond to the communications control device claimed (column 5, lines 20-24, 31-36).

6. Regarding Claim 3, Jacobson further discloses a target address (column 3, lines 18-22) that identifies the target component wireless interfaces that correspond to the communications control device claimed (column 5, lines 20-24, 31-36).

7. Regarding Claim 4, Jacobson further discloses the reception device (Fig. 1, reference 110, 112, 114, 116, 118) and system controller arrangement (Fig. 1, reference 120) that corresponds to the management device claimed being installed in multiple rooms of a residence (i.e., functioning as a base wireless station) while the target component wireless interfaces that correspond to the communications control device claimed (column 5, lines 20-24, 31-36) are part of portable devices (i.e., function as a mobile wireless station) (column 2, lines 49-65).

8. Regarding Claim 5, Jacobson further discloses a plurality of target components, the inherent wireless interfaces of which correspond to the plurality of communications control device claimed) (column 2, lines 49-65).

9. All elements of Claims 16, 17 and 19 are essentially comprehended by Claims 1 through 5. As such, Claims 16, 17 and 19 are rejected on the same grounds as Claims 1 through 5.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of Seo (US Patent 5,764,281).

12. Regarding Claim 12, Seo discloses a remote control system that prompts a user for a password (i.e., requests identification data from a management center) and receives a password from a user (i.e., input means for inputting a password) (column 4, lines 20-32). Seo further discloses that such an arrangement prevents presentation of unsuitable content to users (column 6, lines 14-20). It would have been obvious to one skilled in the art at the time of the invention to apply password request and input as taught by Seo to the system taught by Jacobson for the purpose of realizing the aforesaid advantage.

13. All elements of Claim 18 are essentially comprehended by Claim 12. As such, Claim 18 is rejected on the same grounds as Claim 12.

#### ***Response to Arguments***

14. Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examination of this application has been transferred to the undersigned. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow  
Primary Examiner  
Art Unit 2615

ds  
30 June 2006